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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
08/779,767	01/07/1997	HABIB ZAGHOUANI	ALLIA.143A	6240	
7:	590 10/21/2002				
NED A ISRAELSON KNOBBE MARTENS OLSON AND BEAR 16TH FLOOR 620 NEWPORT CENTER DRIVE NEWPORT BEACH, CA 92660			EXAMINER		
			NOLAN, PATRICK J		
			ART UNIT	PAPER NUMBER	
NEWFORT BE	ZACII, CA 72000		1644	11	
			DATE MAILED: 10/21/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. 08/779,767

Applicant(s)

Examiner

Office Action Summary

Zaghouani

Patrick J. Nolan

Art Unit 1644



	The MAILING DATE of this communication appears	on the cover sh	eet with	the correspondence address			
	for Reply						
THE N	ORTENED STATUTORY PERIOD FOR REPLY IS SET MAILING DATE OF THIS COMMUNICATION.			_			
mailing	- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.						
- If NO p - Failure - Any re	period for reply specified above is less than thirty (30) days, a reply within th period for reply is specified above, the maximum statutory period will apply a to reply within the set or extended period for reply will, by statute, cause th apply received by the Office later than three months after the mailing date of the dipatent term adjustment. See 37 CFR 1.704(b).	and will expire SIX (6) the application to become) MONTHS frome ABANDO	rom the mailing date of this communication. ONED (35 U.S.C. § 133).			
Status							
1) 💢	Responsive to communication(s) filed on Jul 15, 20	002		·			
2a) 💢	This action is FINAL . 2b) ☐ This action	tion is non-final	1.				
3) 🗆	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213.						
	tion of Claims						
4) 💢	Claim(s) 4, 6, 9, 11, 24, 26, 27, 29, 66-70, and 72	2-74		is/are pending in the application.			
4	1a) Of the above, claim(s)			is/are withdrawn from consideration.			
5) 🗆	Claim(s)			is/are allowed.			
	Claim(s) 4, 6, 9, 11, 24, 26, 27, 29, 66-70, and 72						
7) 🗆	Claim(s)			is/are objected to.			
8) 🗌	Claims	are	subject	to restriction and/or election requirement.			
	ation Papers						
9) 🗆	The specification is objected to by the Examiner.						
10))) ☐ The drawing(s) filed on is/are a) ☐ accepted or b) ☐ objected to by the Examiner.						
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
11) 🗌	The proposed drawing correction filed on	is [,]	: a) □ a	pproved b) \square disapproved by the Examiner.			
	If approved, corrected drawings are required in reply to this Office action.						
12)	The oath or declaration is objected to by the Examin	iner.					
	under 35 U.S.C. §§ 119 and 120						
13)□	Acknowledgement is made of a claim for foreign pr	riority under 35	5 U.S.C.	§ 119(a)-(d) or (f).			
a) □	a) □ All b) □ Some* c) □ None of:						
	1. Certified copies of the priority documents have	e been receive	∌d.				
(2. \square Certified copies of the priority documents have			ilication No			
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).							
*Se	ee the attached detailed Office action for a list of the			eceived.			
14) 🗌	14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).						
a) 🗆	a) The translation of the foreign language provisional application has been received.						
15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.							
Attachme		_					
_	tice of References Cited (PTO-892)			0-413) Paper No(s)			
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)				Application (PTO-152)			
3) Info	ormation Disclosure Statement(s) (PTO-1449) Paper No(s).	6) Uther:					

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Part III DETAILED ACTION

1. Claims 4, 6, 9, 11, 24, 26-27, 29, 66-70 and 72-74 are pending.

The following new ground of rejection is necessitated by the amendment filed 7-15-02.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 4, 6, 9, 11, 24, 26-27, 29, 66-70 and 72-74 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for inhibiting T cell activation in vivo to the agonist peptide, does not reasonably provide enablement for inhibiting all T cell activation. The specification does not enable any person skilled in the art to which it pertains, or with which it is most clearly connected, to use the invention commensurate in scope with these claims.

As is clearly demonstrated in Figure 9A and B in the specification, the Ig-PLP-LR construct caused T cell proliferation in vivo when T cells from mice injected with the construct were interacted with by the PLP-LR peptide. Since the construct caused stimulation of T cell to the antagonist peptide when an antagonist-Ig construct was given in vivo, the full scope of the claimed invention is not enabled.

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final

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action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick Nolan whose telephone number is (703) 305-1987. The examiner can normally be reached on Tuesday through Friday from 8:30 am to 4:30 pm.

5. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Christina Chan, can be reached at (703) 305-3973. The FAX number for our group, 1644, is (703) 305-7939. Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the Group receptionist, whose telephone number is (703) 308-0196.

Patrick J. Nolan, Ph.D.

Primary Examiner, Group 1640

October 20, 2002